

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT SCOT BUILDING VENTURE LLC and
RSBV PATHWAY LLC,

Plaintiffs,

-against-

CREATIVE WEALTH MEDIA FINANCE CORP.
and JASON CLOTH,

Defendants.

Case No: 1:22-cv-10329

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the declaration of Jason Cloth, sworn to on February 8, 2023, and the exhibits annexed thereto, the declaration of William R. Fried, Esq., executed on February 9, 2023, and the exhibit annexed thereto, and the accompanying memorandum of law, Defendants Creative Wealth Media Finance Corp. and Jason Cloth (collectively, the “Creative Defendants”), by their attorneys Herrick, Feinstein, LLP, will respectfully move before the Honorable Valerie E. Caproni at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, Courtroom 443, New York, New York 10007, on a date and a time to be determined by the Court, for an Order dismissing the Amended Complaint against the Creative Defendants with prejudice (i) for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) and, in the alternative, based upon *forum non conveniens* and (ii) with respect to the fraud claim against Cloth, for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: February 9, 2023
New York, New York

Respectfully submitted,

HERRICK, FEINSTEIN LLP

By: /s/ William R. Fried
William R. Fried, Esq.
Samuel J. Bazian, Esq.

Two Park Avenue
New York, New York 10016
(212) 592-1400
Attorneys for Defendants
Creative Wealth Media Finance Corp.
and Jason Cloth